

EXHIBIT 15

In the Matter of

Case No.: 1:21-cv-08594-JHR

ROSATI

v.

LONG ISLAND RAILROAD, et al.

Continued Deposition of Michael Bendick

Thursday, November 9, 2023



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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----x

STEVEN ROSATI, an individual,

Plaintiff,

-against-

Case No.
1:21-cv-08594-JHR

LONG ISLAND RAILROAD, METROPOLITAN
TRANSIT AUTHORITY, and PATRICK J.
FOYE, an individual,

Defendants.

-----x
November 9, 2023
9:44 a.m.

Continued Remote Deposition of MICHAEL
BENDICK, taken via Zoom pursuant to Adjournment
before Lisa Hiesiger, a Shorthand Reporter and
Notary Public within and for the State of New
York.

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Michael Bendick --- November 9, 2023

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2 A P P E A R A N C E S :

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6 By: EDWARD A. PALTZIK, ESQ.

7

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10 Attorneys for Defendants
11 60 East 42nd Street, 48th Floor
12 New York, New York 10165

13

14

By: HELENE HECHTKOPF, ESQ.

15

16

17 Also Present:

18

CONNOR G. SHEA, ESQ., Hoguet Newman Regal & Kenney

19

JASON D. BARNES, ESQ., Metropolitan Transit
Authority

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PAUL WHITWORTH, ESQ., Metropolitan Transit
Authority

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1 Bendick

2 Q. And you're not a lawyer, correct?

3 A. Correct.

4 Q. Let's move down now just one moment,
5 please, there were a series of social media posts
6 in 2020 that Mr. Rosati made where it appeared
7 that he may have been in his Long Island Railroad
8 uniform, correct?

9 A. He was in Long Island Railroad
10 uniform, and based on what we were able to
11 observe and clearly see, he was on a train, a
12 moving train in an operating cab. And in another
13 case he was in one of our yard facilities by one
14 of our buildings.

15 Q. In 2020 you reprimanded him about
16 that, correct?

17 A. That's correct.

18 Q. So I want to be clear, in those
19 social media posts that I'm talking about, was
20 the issue that he was wearing his uniform, was
21 the issue that he was on railroad property or was
22 it both?

23 A. It was at the time, the most
24 important thing to me was that he was utilizing
25 an electronic device while working on a train,

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2 which you're not allowed to do as per the FRA, he
3 was in uniform doing this, and it was a social
4 media thing where other people could see it.
5 That was my concern at the time.

6 Q. Understood.

7 A. Because he was in violation of the
8 rules.

9 Q. Right. So what happened is you then
10 spoke to him, right, you and Benjamin Gallup
11 spoke to him about that, right?

12 A. That's correct. We brought him into
13 Babylon yard and sat down with him and kind of
14 gave him a verbal reprimand and told him to
15 remove the stuff and stop doing it.

16 Q. This was a meeting at the Babylon
17 train yard, that's a Long Island Railroad
18 facility, correct?

19 A. That's correct.

20 Q. Do you know what date this meeting
21 occurred?

22 A. I believe it was sometime in October.

23 Q. So this would have been October 2020,
24 correct?

25 A. That's correct.

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2 doesn't mean it's its own entity, we build on
3 discipline.

4 Q. Understood, but the new discipline,
5 the discipline for the social media posts and the
6 okay hand gesture, that was a new instance of
7 discipline that triggered only after the receipt
8 of these anonymous complaints following the
9 January 6th, 2021 capitol gathering, correct?

10 A. Yes.

11 Q. No further questions, thank you.

12 MS. HECHTKOPF: All right, thank you.

13 I guess we'll be in touch.

14 (Time noted: 12:51 p.m.)

15

16

17 Subscribed and sworn to
18 before me this ____ day of _____, 2023.

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2 C E R T I F I C A T I O N

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4 I, LISA HIESIGER, a Shorthand Reporter and
5 Notary Public, within and for the State of New York,
6 do hereby certify:

7

8 That I reported the proceedings in the
9 within entitled matter, and that the within transcript
is a true record of such proceedings.

10

11

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13

I further certify that I am not related, by
blood or marriage, to any of the parties in this
matter and that I am in no way interested in the
outcome of this matter.

14

15

IN WITNESS WHEREOF, I have hereunto set my
hand this 14th day of November, 2023.

16

17

Lisa Hiesiger

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LISA HIESIGER

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ERRATA SHEET

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Name of Case: Steven Rosati v Long Island Railroad

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Date of Deposition: November 9, 2023

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Name of Deponent: MICHAEL BENDICK

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Signature of Deponent

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Subscribed and sworn before me
this _____ day of _____, 2023.

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(Notary Public) My Commission Expires: _____